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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,559	04/03/2006	Takahiro Wakayama	590157-2034	2081
7590 Matthew K Ryan Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151	03/07/2007		EXAMINER VO, ANH T N	ART UNIT 2861 PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/07/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/574,559	WAKAYAMA ET AL.
	Examiner Anh T.N. Vo	Art Unit 2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/03/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Acknowledgement is made of the receipt of Preliminary Amendment filed 03 April 2006.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The references cited on PTO 1449 have been considered.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-15 are rejected under 35 USC 102 (a) as being anticipated by Miyazawa et al. (JP Pat. 2003311994).

Miyazawa et al. disclose, in Figures 1-12 an ink jet printer comprising:

- an ink container (1) provided with a container body in which ink is stored and an ink discharge port (2) through which ink in the containerbody is discharged (Figure 2);
- an ink container loading portion (21, 25) provided with an ink container engagement portion (12) in which the ink container (1) is loaded and with which the ink discharge port (2) of the ink container is engaged (Figure 1);
- the ink container engaging direction of the ink discharge port (2) of the ink container (1) with the ink container engagement portion (12) is directed obliquely downward with respect to the horizontal (Figure 1);
- the ink discharge port (2) is provided in an end face of the ink container (1) in the ink container loading direction (Figures 1 and 8);
- the ink discharge port (2) is formed in an end face of the container body (1) so that the central axis of the ink discharge port (2) is directed obliquely downward with respect to the direction in which the upper side surface of the container body (1) extends (Figure 1);
- the direction of normal of the end face in which the ink discharge port (2) is formed is parallel to the direction of the central axis of the ink discharge port (Figure 1);
- a vent hole (3) for taking the atmosphere in the container body (1) is formed in an upper part of the end face in which the ink discharge port (2) is formed, and the direction of the central axis of the vent hole (3) is directed obliquely downward with respect to the direction in which the upper side surface of the container body (1) extends (Figure 1); and
- the direction of central axis of the ink discharge port (2) is parallel to the direction of the central axis of the vent hole (3) (Figures 1-2).

Claims 7-8 are rejected under 35 USC 102 (b) as being anticipated by Sasaki et al. (US Pat. 5,815,183).

Sasaki et al. disclose in Figures 1 and 3-4 an ink jet printer comprising:

- an ink container (8) provided with a container body (40) in which ink is stored and an ink discharge port (41) through which ink in the containerbody is discharged (Figures 3-4);
- an ink container loading portion (30) provided with an ink container engagement portion (35A) in which the ink container (8) is loaded and with which the ink discharge port (41) of the ink container is engaged (Figure 3); and
- the ink container engaging direction of the ink discharge port (41) of the ink container (8) with the ink container engagement portion (35A) is directed obliquely downward with respect to the horizontal (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-15 are rejected under 35 USC 103 (a) as being unpatentable over Steinmetz et al. (US Pat. 6,959,985) in view of Miyazawa et al. (JP Pat. 2003311994).

Steinmetz et al. disclose in Figures 14-16 an printing fluid container for an ink jet printer comprising:

- an ink container (120) provided with a container body in which ink is stored and an ink discharge port (158) through which ink in the container body is discharged (Figure 14);
- an ink container loading portion (176) provided with an ink container engagement portion (202) in which the ink container (120) is loaded and with which the ink discharge port (158) of the ink container is engaged (Figure 15);
- the ink discharge port (158) is provided in an end face of the ink container (120) in the ink container loading direction (Figures 14-15);
- the direction of normal of the end face in which the ink discharge port (158) is formed is parallel to the direction of the central axis of the ink discharge port (Figure 14); and
- a vent hole (156) for taking the atmosphere in the container body (120) is formed in an upper part of the end face in which the ink discharge port (158) is formed the direction of central axis of the ink discharge port (156) is parallel to the direction of the central axis of the vent hole (158) (Figures 14).

However, Steinmetz et al. do not disclose the ink container engaging direction of the ink discharge port of the ink container with the ink container engagement portion is directed obliquely downward with respect to the horizontal; the ink discharge port is formed in an end

face of the container body so that the central axis of the ink discharge port is directed obliquely downward with respect to the direction in which the upper side surface of the container body extends ; and the direction of the central axis of the vent hole is directed obliquely downward with respect to the direction in which the upper side surface of the container body extends.

Miyazawa et al. disclose in Figures 1-12 an ink jet printer comprising:

- the ink container engaging direction of the ink discharge port (2) of the ink container (1) with the ink container engagement portion (12) is directed obliquely downward with respect to the horizontal (Figure 1);
- the ink discharge port (158) is formed in an end face of the container body (120) so that the central axis of the ink discharge port (158) is directed obliquely downward with respect to the direction in which the upper side surface of the container body (1) extends (Figure 1); and
 - the direction of the central axis of the vent hole (3) is directed obliquely downward with respect to the direction in which the upper side surface of the container body (1) extends (Figure 1).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Miyazawa et al in the Seinmetz et al. an ink jet printer for the purpose of transferring fluid from an ink container to an ink jet print head.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Monday to Friday from 9:00 A.M.to 5:00 P.M..

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The fax number of this Group 2861 is (571) 273-8300.



ANH T.N. VO
PRIMARY EXAMINER

March 3, 2007